

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 9 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning labor
- 3 and safety and to make an appropriation.
- 4 Page 6, between lines 27 and 28, begin a new paragraph and insert:
- 5 "SECTION 3. IC 22-11-14-12, AS ADDED BY P.L.187-2006,
- 6 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2007]: Sec. 12. (a) A user fee, known as the public safety fee,
- 8 is imposed on retail transactions made in Indiana of fireworks, in
- 9 accordance with section 13 of this chapter.
- 10 (b) A person who acquires fireworks in a retail transaction is liable
- 11 for the public safety fee on the transaction and, except as otherwise
- 12 provided in this chapter, shall pay the public safety fee to the retailer
- 13 as a separate added amount to the consideration in the transaction. The
- 14 retailer shall collect the public safety fee as an agent for the state.
- 15 **(c) The public safety fee account is established within the state**
- 16 **general fund. Money in the public safety fee account at the end of**
- 17 **a state fiscal year does not revert to any other account within the**
- 18 **state general fund. Money in the public safety fee account is**
- 19 **appropriated to make the distributions required by this section.**
- 20 ~~(c)~~ **(d) The public safety fee shall be deposited in the state general**
- 21 **fund public safety fee account.**
- 22 **(e) Money in the public safety fee account shall be distributed to**
- 23 **each political subdivision that:**
- 24 **(1) has established a fire department;**
- 25 **(2) has contracted with or has entered into an interlocal**
- 26 **cooperation agreement with another unit of government for**
- 27 **fire protection and firefighting services;**
- 28 **(3) has contracted with a volunteer fire department for fire**
- 29 **protection and firefighting services;**
- 30 **(4) has established a fire protection district; or**
- 31 **(5) has established a fire protection territory.**

(f) The auditor of state shall make distributions from the public safety fee account on May 1 and November 1 of each year to the fiscal officer of each political subdivision eligible under subsection (e) to receive a distribution. The amount of a political subdivision's semiannual distribution is equal to:

(1) the total semiannual distributions being made to all political subdivisions eligible under subsection (e) to receive a distribution; multiplied by

(2) a percentage equal to:

(A) the political subdivision's population that is served by the fire department, volunteer fire department, fire protection district, or fire protection territory that the political subdivision has established or with which the political subdivision has contracted or entered into an agreement; divided by

(B) the sum of all populations throughout the state that are described in clause (A).

(g) Distributions received by a political subdivision under this section shall be allocated or appropriated to the political subdivision's fire department, the unit of government or volunteer fire department that provides fire protection and firefighting services to the political subdivision under a contract or an agreement, or the fire protection district or fire protection territory established by the political subdivision. Distributions allocated or appropriated to a fire department, unit of government, volunteer fire department, fire protection district, or fire protection territory under this subsection may be used only:

(1) for fire protection and firefighting services; and

(2) to assist in the enforcement of an ordinance adopted under section 10.5 of this chapter concerning the use or hours of use of fireworks.

~~(d)~~ (h) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection of the public safety fee monies from retailers as described in ~~subsections (b) and (c)~~; **this section.**

1 SECTION 4. [EFFECTIVE JULY 1, 2007] **IC 22-11-14-12, as**
2 **amended by this act, applies to public safety fees collected under**
3 **IC 22-11-14 after June 30, 2007."**

4 Renumber all SECTIONS consecutively.
 (Reference is to SB 9 as printed January 26, 2007.)

Senator DELPH